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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/672,485 | 09/25/2003 | Rodney K. Moore | WINNO-44706 | 8251 |

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KELLY BAUERSFELD LOWRY & KELLEY, LLP
6320 CANOGA AVENUE
SUITE 1650
WOODLAND HILLS, CA 91367

EXAMINER

NGUYEN, KIM T

ART UNIT PAPER NUMBER

3713

DATE MAILED: 06/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/672,485

Applicant(s)

MOORE ET AL.

Examiner

Kim Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9/25/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1-20 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 3-9, 11-14, 18, 21, and 23 of U.S. Patent No. 6,729,959 (hereinafter '959). Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 1-20 disclose the same subject matter taught in claims 1, 3-9, 11-14, 18, 21, and 23 of patent '959 in broader scope by eliminating certain detail such as composing the common information display to include a summary status window (col. 14, lines 10-16), etc.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-7 and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wiener et al (US. Patent No. 6,007,427).

a. As per claim 1, 6 and 9, Wiener teaches a method of compiling and displaying participant status information. The method comprises the steps of: updating status information of each of the participant in display windows in real time (col. 2, line 67; and col. 3, lines 1-6); presenting the display to the participants (Figs. 1-4; and col. 3, lines 9-29), a common information display (Figs. 1-4; col. 5, lines 29-49; and col. 4, lines 1-5). Wiener does not explicitly teach displaying game event of each participant's game in real time. However, since Wiener teaches indicating the gaming event of the player currently at bat (col. 2, line 67; and col. 3, lines 1-6), and simultaneously simulating at bat events and scoring for each player (col. 5, lines 50-57), and since Wiener teaches capability of displaying a game event and scores (Figs. 1-4), Wiener implies tracking the player's score and game events in real time. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to update the display in real time, since selecting the frequency for updating the display according the designer's preference requires only routine skill in the art.

b. As per claim 2-5, Wiener teaches indicating the winning participant visually or audibly (Fig. 4; col. 4, lines 40-46; and col. 5, lines 61-67).

c. As per claim 7, Wiener teaches presenting the common information display at the game site (col. 5, lines 42-46).

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d. As per claim 10-11, inputting participant information via participant terminal would have been well known to a person of ordinary skill in the art at the time the invention was made. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to allow the participant to input their information in order to facilitate displaying information of the participant in the correspond window.

Allowable Subject Matter

4. Claim 8 would be allowable if a Terminal Disclaimer is filed to overcome the Double Patenting rejection, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

5. Claims 12-20 would be allowable if a Terminal Disclaimer is filed to overcome the Double Patenting rejection, set forth in this Office action.

6. The following is a statement of reasons for the indication of allowable subject matter:

Prior arts of record does not disclose a computer-base game system which includes computer means for composing a common information display image to include a plurality of participant windows for visually displaying status information for a respective plurality of participants, and for updating each of the participant windows in real-time as the game proceeds; and display means for presenting the common information display image to the participants throughout the course of the game; the display means presents the common information display image at a game site, the game site includes a plurality of participant seats arranged in a predetermined array, the computer means includes means for arranging the participant widows of the common information display image in accordance with the predetermined array of the

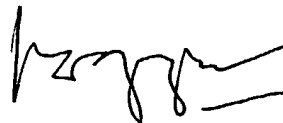
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participant seats, so that by viewing the common information display image, each participant can identify the location and identify of other participants at the game site.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim Nguyen whose telephone number is (703) 308-7915. The examiner can normally be reached on Monday-Thursday from 8:30AM to 5:00PM ET.

The central official fax number is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1148.



Kim Nguyen
Primary Examiner
Art Unit 3713

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Date: May 27, 2004